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30 November 2007
By Facsimile Only
Facsimile No. 0011 1 571 273 8300

Attention: Attention: Fenn C. Mathew,
Art Unit 3764

Dear Sirs,

Re: U.S.A. Patent Application No 10/516509
National Phase of PCT Application No PCT/AU03/00698
Leg exercise device
Our Ref: 3703

I write in response to the Official Action mailed on 1 June 2007.

Firstly an extension of time form SB/22 and credit card authorisation for the fee of \$525.00 is attached.

The examiner has objected that the invention as claimed is unpatentable in view of Levine in view of Hribar.

The examiner has stated that:

“Levine teaches the claimed invention as noted in paragraphs 3 and 5 of the Official Action dated September 4 2006. Levine lacks two first variable volume chambers and two second variable volume chambers. Hribar teaches an analogous device providing multiple first variable volume chambers and multiple second variable volume chambers in order to enhance exercise. Hribar teaches an analogous communication passageway to that of the chambers of Levine.”

The invention as presently claimed by claim 33 requires two first chambers and two second chambers, giving a total of four chambers.

The claim also requires a valve and “at least one passageway interconnecting each of said chambers with said valve”, i.e. a minimum of four passageways.

The valve has two states. In one state the two first chambers are linked together via the valve and the respective passageways and the two second chambers are linked together via the valve and the respective passageways.

In the second state the first chamber of each foot is linked, foot via the valve and respective passageways, with the second chamber of the other foot.

The citations, either alone or in combination do not disclose an exercise device that has four chambers and a valve, at least four passageways linking the chambers with the valve and in which the valve is operable to change which chambers

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communicate with each other. Further, there is no disclosure of separate chambers for each foot.

Levine teaches an exercise having two chambers. The two chambers are linked by a passageway (44 in figure 11) and a valve (28 in figure 11) controls resistance to fluid flow between the two chambers.

Levine does not teach four chambers. Nor does Levine teach a "multifunction" valve. The valve 28 taught by Levine is a simple valve that merely varies resistance and does not provide any switching function.

As mentioned above, the examiner believes that Hribar teaches multiple chambers. However, on careful review this is not in fact correct. Hribar teaches an exercise device with only two chambers. Column 3, line 4 states "The two compartment enclosure Item 1...". Further, at column 3, lines 15 to 24, it is stated that "The volumes Item 4 Fig. 2 are of a bladder typeThe restraining members Item 7 Fig. 2 are attached to the top and bottom inside surfaces of the volumes Item 4 Fig. 2 to prevent pillowing and they are positioned to prevent 'pillowing' ... and are positioned to allow fluid flow Item 8 to flow around them as shown in FIGS. 2 and 3".

In other words each chamber is a single chamber with internal restraining members to prevent pillowing. This is clear from figure 3 where it is apparent that the restraining members do not create separate chambers within the volume 4 and that the all of internal space within each volume 4 is in fluid communication with the rest of the internal space.

The valve of Hribar is similar to that of Levine and is a simple screw down valve (see figure 4) that compresses tube 5 to vary the area and hence resistance to fluid flow.

Thus Hribar does not teach multiple chambers or a switchable valve mechanism and merely teaches a two chamber exercise device.

Thus all that Hribar teaches in addition to Levine is the use of internal restraining members to prevent "pillowing" of the two chambers,

In view of the above it is clear that the invention as claimed is not disclosed by Levine or Hribar, either alone or in combination and as such is both novel and inventive over these disclosures.

I look forward to receiving a favourable response.

Kind regards,



Vimala Sarma